IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 30482 of 2006(D)

PETITIONER:

G. KUNJULEKSHMI
(HOSPITAL ATTENDANT, COLLEGE OF NURSING,
THIRUVANANTHAPURAM), PULIVILAVEEDU, TC.3/1445(5),
LEKSHMI NAGAR, PATTOM P.O.,THIRUVANANTHAPURAM.

BY ADV. SRI.K.P.RAJEEVAN

RESPONDENTS:

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1. STATE OF KERALA,
REPRESENTED BY ITS SECRETARY,HEALTH DEPARTMENT,
SECRETARIAT, THIRUVANANTHAPURAM.

2. DISTRICT MEDICAL OFFICER,
THIRUVANANTHAPURAM.

3. PRINCIPAL,
COLLEGE OF NURSING, THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. NANDAKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON 08/08/2007 DELIVERED THE FOLLOWING:

WP(C).No. 30482 of 2006

APPENDIX

PETITIONER'S EXHIBITS:

EXT-P1: TRUE COPY OF ORDER NO.A3.22090/03/DMOH DATED 22.5.2006

/TRUE COPY/

ANTONY DOMINIC,J.

W.P (C) No. 30482 of 2006

Dated this the 8th day of August, 2007

J U D G M E N T

The petitioner is a Hospital Attendant Gr.II in College of Nursing, Thiruvananthapuram. She was appointed on the advice of the Employment Exchange under Rule 9 (a) (1) of the Kerala State and Subordinate Services Rules by the District Medical Officer, Thiruvananthapuram, who is the appointing authority, as per the Special Rules. The method of appointment of Hospital Attendant Gr.II is either by promotion of Part-time Contingent Employees or in their absence, by direct recruitment through Employment Exchange. The petitioner submits that there were no persons eligible for promotion at the relevant time and therefore, she may be regularised in service.

2. Heard learned Government Pleader for the respondents.

3. The point raised by the petitioner is covered by the decision of this court in Vasanthi V. State of Kerala [2006 (1) KLT 288].

4. It is ordered that the directions in that case will govern this case also. The District Medical Officer,

Thiruvananthapuram shall examine whether there were any persons waiting for promotion when the requisition to the Employment Exchange was sent. If there were no hands available for promotion, the petitioner's appointment shall be regularised, as ordered in the above judgment.

Writ petition is allowed as above.

(ANTONY DOMINIC,JUDGE)

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/True copy/

P.A to Judge

K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007